

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ERIC DEXTER DYE,

Petitioner,

v.

JIMMIE COLSON, Warden,

Respondent.

Civil Action 7:11-CV-176 (HL)

ORDER

The Recommendation (Doc. 8) of United States Magistrate Judge Thomas Q. Langstaff, entered May 16, 2012, is before the Court. The Magistrate Judge recommends that Respondent's Motion to Dismiss Complaint (Doc. 6) be granted as Petitioner's habeas petition was untimely filed and his claims are unexhausted. Petitioner has not filed an objection to the Recommendation.

The Court has reviewed the Recommendation and finds no clear error in the Magistrate Judge's decision. Accordingly, the Court accepts and adopts the Recommendation. Respondent's Motion to Dismiss Complaint (Doc. 6) is granted. The Court denies a certificate of appealability as no substantial showing of the denial of a constitutional right has been made.

SO ORDERED, this the 8th day of June, 2012.

mbh

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE